

HOUSE BILL NO. HB0178

Computer trespass.

Sponsored by: Representative(s) Nicholas, B. and
Senator(s) Nicholas, P.

A BILL

for

1 AN ACT relating to offenses against computer property;
2 creating the criminal offense of computer trespass;
3 specifying elements of the offense and penalties; providing
4 a civil cause of action for computer trespass; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 6-3-506 and 40-25-101 are created to
10 read:

11

12 **6-3-506. Computer trespass; penalties.**

13

14 (a) A person commits a computer trespass if he
15 knowingly, with intent to damage or cause the malfunction
16 of the operation of a computer, computer system or computer

1 network and without authorization transfers or sends
2 electronically into a computer, computer system or computer
3 network or causes to be transferred or sent electronically
4 into a computer, computer system or computer network any
5 data, program or other information which alters, damages or
6 causes the malfunction of the operation of the computer,
7 computer system or computer network.

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9 (b) A computer trespass is a misdemeanor punishable
10 by imprisonment for not more than six (6) months, a fine of
11 not more than seven hundred fifty dollars (\$750.00), or
12 both.

13

14 (c) Common carriers, internet service providers or
15 other persons who supply the internet services over which
16 the content is delivered shall not be prosecuted for
17 violations under this section resulting from the acts of
18 another.

19

20

ARTICLE 25

21

COMPUTER TRESPASS

22

23

40-25-101. Computer trespass.

24

1 (a) A person commits a civil trespass if:

2

3 (i) He, with intent to damage or cause the
4 malfunction of the operation of a computer, computer system
5 or computer network, transfers or sends electronically into
6 a computer, computer system or computer network of another
7 or causes to be transferred or sent electronically into a
8 computer, computer system or computer network of another
9 any data, program or other information which alters,
10 damages or causes the malfunction of the operation of the
11 computer, computer system or computer network: and

12

13 (A) The act was done without authority of
14 the owner or lawful possessor of the property; or

15

16 (B) If after being notified by the owner or
17 lawful possessor to remove the data, program or other
18 information, fails to do so completely.

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20 (b) A person who suffers damage or loss by reason of
21 a trespass under this section shall have a cause of action
22 against the trespasser for all damages incurred, including
23 any damages to the person's computer, computer system or
24 computer network and any costs incurred by the person for

1 services that could not be utilized as a result of the
2 trespass. A prevailing party may be awarded all costs of
3 litigation including reasonable attorneys fees in a civil
4 action brought under this section.

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6 (c) The definitions provided in W.S. 6-3-501 shall be
7 applicable to this section.

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9 (d) Common carriers, internet service providers or
10 other persons who supply the internet services over which
11 the content is delivered shall not be liable for damages or
12 losses under this section resulting from the acts of
13 another.

14

15 **Section 2.** This act is effective July 1, 2014.

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17

(END)